

REMARKS**I. Status of the Claims**

Claims 1-47 are pending. Claims 1-47 were rejected.

II. Claim Rejections under 35 USC § 103

Claims 1-3, 5-13, 15-20, 23-27, 29-36, 38-43, 46 and 47 were rejected under 35 U.S.C. § 103(a) as being allegedly unpatentable over U.S. Patent No. 5,832,060 (Corlett) in view of U.S. Patent No. 5,333,180 (Brown). Applicants respectfully traverse the rejection.

In an example of an embodiment of the invention, a technique is provided to return a telephone call in response to a received message. When a caller (or calling party) places a call to a called party but the communication is unsuccessful (the caller encounters a busy signal, for example) the calling party is afforded the opportunity to provide a message for the called party. The calling party's telephone number is also obtained (from the calling party's ANI, for example) and stored in association with the message. For example, the message and the calling party's telephone number may be stored together in a data file. The caller is also prompted to provide at least one preference concerning delivery of the message. For example, the caller may specify a preferred time range within which the message is to be delivered. One or more attempts are made to initiate a call to the called party in accordance with the preference, and when the called party is reached, the message is delivered. Once the message is received, the called party may generate a signal to call back the caller. Upon receipt of the signal, the caller's telephone number is retrieved from storage and used to initiate a call to the calling party. Once the caller answers, the caller is connected to the called party.

The Applicants believe that the rejection over Corlett and Brown is improper and respectfully request that it be withdrawn. The Examiner asserted that Corlett anticipated the then-pending claims in an Office Action dated April 1, 2003. In an Amendment dated June 30, 2003, the Applicants amended claim 1 to include the limitation "the switch interface retrieving from the storage the data concerning the telephone number stored in association with the message." Subsequently, in the Office Action dated September 24, 2003, the Examiner admitted that Corlett does not teach or suggest this limitation. On page 3 of the September 24 Office Action, the Examiner stated, "Corlett fails to disclose the switch interface retrieving from the

storage the data concerning the telephone number.” Following the September 24 Office Action, the Examiner did not further assert Corlett as a reference with respect to this limitation.

As previously discussed in the June 30, 2003 Amendment, Corlett discloses a technique for receiving and storing a message from a calling party intended for a called party. (Corlett, col. 7, lines 54-56 and col. 8, lines 16-18.) Corlett additionally discloses recording the message by the calling party, which may include therein the calling party’s termination telephone number recorded by the calling party by voice input, for example. (Corlett, col. 10, lines 15-20.) In accordance with Corlett, multiple attempts may be made to reach the called party; if the called party is reached, the message is delivered. (Corlett, col. 11, lines 55-60.) The called party is also given an option to call back to the calling party. (Corlett, col. 13, lines 1-4.) If the called party indicates a desire to call back, a switch utilizes a “last call return capability” to place a call back to the last caller. In anticipation of the likely event that the last caller may not be the calling party who left the message, such a switch also provides “the capability to recall the termination telephone numbers of the previous 10 calling parties” from which the called party may select to call back. (Corlett, col. 13, lines 19-29.) Corlett does not explain how the last call return capability identifies the calling party’s number from among these 10 numbers, however.

Nowhere does Corlett teach or suggest that, in response to a call-back signal initiated by the called party, an interface retrieves from storage “data concerning the telephone number stored in association with the message,” as required by independent claims 1, 8, and 17. Although Corlett discloses identifying a telephone number in the context of a last call return capability, there is no teaching or suggestion that the identified telephone number is or was “stored in association with the message.”

Corlett discloses no more than a switch that recalls the termination telephone numbers of the previous 10 calling parties for call-back use by the switch. While these 10 telephone numbers are apparently stored together, there is no teaching or suggestion that they are stored in association with messages, as claimed. None of the other cited art, including Brown, teaches or suggests this limitation, either. As such, claim 1 and its dependent claims (1-7), claim 8 and its dependent claims (9-16), and claim 17 and its dependent claims (18-24) are patentable over the cited art. The dependent claims also include patentable limitations.

Independent method claims 25, 31 and 40 similarly require “retrieving from the storage the data concerning the telephone number stored in association with the message.” For the

reasons set forth above, Corlett fails to teach or suggest this limitation. None of the other cited art, including Brown, teaches or suggests this limitation, either. Therefore, claim 25 together with its dependent claims (26-30), claim 31 together with its dependent claims (32-39), and claim 40 together with its dependent claims (41-47) are patentable over the cited art. None of the other cited art teaches or suggests this limitation, either. The dependent claims also include patentable limitations.

Claims 4, 14, 21-22, 28, 37, 44 and 45

Claims 4, 14, 21-22, 28, 37, 44 and 45 were rejected under 35 U.S.C. 103(a) as being allegedly unpatentable over Corlett in view of Brown as applied to claim(s) 1, 8, 17, 25, 31 and 40, and further in view of U.S. Patent No. 5,155,761 (Hammond). Claim 4 depends from independent claim 1. Claim 14 depends from independent claim 8. Claims 21-22 depend from independent claim 17. Claim 28 depends from independent claim 25. Claim 37 depends from independent claim 31. Claims 44 and 45 depend from independent claim 40. As discussed above, independent claims 1, 8, 17, 25, 31, and 40 are patentable over the cited art. Therefore, claims 4, 14, 21-22, 28, 37, 44 and 45 are also patentable over the cited art. The dependent claims also include patentable limitations.

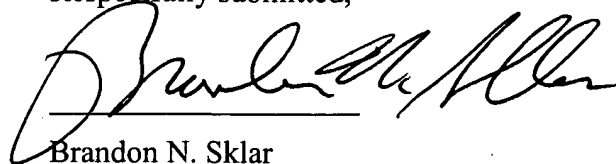
III. Conclusion

In view of the foregoing, each of claims 1-47, as amended, is believed to be in condition for allowance. The Applicants respectfully submit that Corlett be withdrawn as a prior art reference. In addition, reconsideration of these claims is requested and allowance of the application is earnestly solicited.

Respectfully submitted,

Date: October 20, 2005

By:



Brandon N. Sklar
Reg. No. 31,667
212-836-8653

Kaye Scholer LLP
425 Park Avenue
New York, New York 10022